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ABSTRACT

This report of the Ombudsman at Cornell University discusses: the composition of the staff; the volume of work; the sources of the complaints (the office serves the whole University community); the classification of complaints by subject, and source of complaints by College or Agency; the procedures used in handling the complaints; the types of complaints received and handled; and the functions and powers of the Ombudsman. The office also serves as a general information center about University procedures and directs "rumor clinic" services during emergencies. A memo proposing the original establishment of the office of Ombudsman and outlining his functions, special concerns, authority, office operation reponsibility, appointment procedures, and composition of his office staff is attached. (AF)

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REPORT OF THE OMBUDSMAN AT CORNELL UNIVERSITY

September 15, 1969 - January 30, 1970

The office was established on September 15 when the President asked Mrs. Cook to serve as the University's first Ombudsman. She began operations on September 22 and was joined within a short period by two assistants, Alan Sapakie and Steve Telsey. Mrs. Danilee Spano who is the secretary in the office completes the staff. The office has been operating in temporary headquarters in Mrs. Cook's quarters in Room 287 of the ILR School while Mr. Sapakie and Mr. Telsey are housed in the Publications Center of the ILR School.

Volume of Work

A total of 136 cases and 52 inquiries came into the office between September 22 and January 30. (These two categories are meant to distinguish between requests for help in problem-solving and requests for information.)

The office was established to investigate "at the request of members of the community. . . any grievances that may arise against the University or against anyone in the University exercising authority."* In this respect the Cornell Ombudsman's jurisdiction is somewhat broader than that at a number of other universities which have established such an office, where complaints come only from students. Complaints have come to the Ombudsman from every quarter of the university, as the following table will show:

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*All quotations are from the report prepared by Professor Alfred H. Kahn, chairman of an ad hoc committee on Constituting an Office of University Ombudsman, and sent to Provost Dale Corson on August 26, 1969.

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Table I

Source of Complaints

	Complaints	Inquiries
Faculty	16	7
Administration	4	4
Employees (non-exempt)	15	8
Outside Cornell	2	3
Alumni	3	3
Parents of Students	1	
Faculty Families	1	1
Students		
Undergraduate	65	19
Graduate	27	7

Table II shows the subject of complaints and problems while Table III shows the School from which they were brought.

Table II

Classification of Complaints by Subject

Academic Integrity	2
Buildings and Properties	12
Campus Store	1
Chimes	2
Clinic	6
Counseling	3
Courses	12
Credit Union	1
Extramural	3
Faculty Tenure	3
Fees and Fines	4
Financial Aids	6
Fiscal Policies	1
Grades and Grading	5
Housing and Dining	16
Human Rights	6
Judicial Procedure	2

Table II, continued

Classification of Complaints by Subject

Insurance	4
Leaves	4
Legal Aid	1
Library	3
Parking and Traffic Control	13
Payroll	3
Personnel	14
Dismissals 6	
Employment 8	
Pollution	2
Publications	1
Physical Education	16
Safety Division	3
Scheduling	2
Student Conduct	4
Student Services	5
Teaching Assistants	6
Transfers	6
Miscellaneous	9

Table III

Source of Complaints by College or Agency

Administration	4
Alumni	6
Agriculture	27
Architecture	3
Arts and Sciences	49
Buildings and Properties	3
Business and Public Administration	6
CURW	1
Engineering	15
Graduate School	27
Hotel	1
Human Ecology	9
Industrial and Labor Relations	15
Law	3
Library	3
Museum	1
Outside	8
Physical Education	3
Statler Inn	1
Unclassified Students and Extramural	4
Veterinary College	2
Willard Straight	1

Procedure in Handling Complaints

The Ombudsman was directed "to investigate," "to raise questions," and "to make recommendations." On this latter point, he was given "wide latitude in making public his findings and recommendations" at the same time respecting "requests of complainants that their anonymity be preserved." He was to have "access to such official files and information as he feels is required to fulfill his function. Any requests for information from him must receive the highest priority from every member of the community."

With one minor exception, the office has met no difficulty whatever in getting information it needed and indeed can report that officials of the university have been extremely cooperative and forthcoming.

The Ombudsman has found on the whole that complainants want to know how they can handle their own problems and a good deal of time goes into a discussion of available channels and referral to them. In fact the Ombudsman has come to apply what the lawyers and labor relations people call "exhaustion of remedies," namely the assumption that a complainant will have done all he can for himself before the Ombudsman intervenes.

Thus, the Ombudsman usually inquires where the complainant has been before coming to the office. If, as in many cases, he has already undertaken a good deal without getting satisfaction either in information or in remedy, the Ombudsman accepts the complaint, checks the reported facts with the office or individual responsible for decisions, calls to their attention the problem and the circumstances surrounding it and asks for reconsideration

or review. Where the responsible office replies that it has already considered all the facts and that its decision stands, the Ombudsman will, if the facts and equities seem to warrant it, call the case to the attention of the next highest administrator in the university's chain of command. A few cases have gone as far as the Provost; a good many to one of the vice presidents or the Controller or a Dean.

Types of Complaints

The complaints which have been received run the scale from trivial to extremely serious; from simple and direct matters of information to complicated issues involving university policy and administration. Frequently, however, the relatively direct and simple matters which have discommoded an individual will have a general application. The Ombudsman has endeavored to call to the attention of the appropriate university official the substance of such individual complaints in order to forestall a repetition of an error. Particularly when the remedy for a complaint may affect a good many other people than the individual who came to the office, the Ombudsman has endeavored to consult with a spokesman or representative of the group which might be affected. When a Teaching Assistant raised the question of load of work under the agreement negotiated last spring on wages and hours, the Ombudsman sought to consult with the organization of Teaching Assistants. Since that organization seemed to have disintegrated, the Ombudsman discussed the problems raised with the head of the Graduate Student Coordinating Committee. When a single complaint brought out the information that the

university's insurance does not cover personal losses, the Ombudsman asked both the Dean of the Faculty and the Dean of Students to convey this information to their constituencies.

Most complaints come from individuals, but a certain number of groups have brought grievances to the attention of the Ombudsman. The Cuban students was one such group who came for guidance and assistance in their endeavor to establish a new course in one of the departments. Similarly a group of Teaching Assistants raised a problem on withholding taxes. A fraternity brought up questions on maintenance and upkeep. A group of demonstrators consulted the office about their plans and strategies.

Faculty as well as students have raised problems with the office. One faculty member raised questions about the procedures and jurisdiction of a faculty-student committee. Another asked for help in matters of scheduling. Still another sought advice on the reception of students in a course with a limited enrollment.

While many questions have to do with non-academic matters--such as housing and dining, athletic facilities, financial aids, and discrimination--academic matters of grading, admission to courses, programs and schools, transfers and class assignments make up an important part of the case load. Again it should be emphasized that the Ombudsman's major concern in these matters is whether the complainant has received fair treatment--have all the factors in the case been taken into consideration by the committee or professor or faculty making a decision; were fair rules applied and were they

administered uniformly; and did students--or others concerned--have full and timely notice that the rules existed and would be applied..

A number of university employees have come to the office. In a number of instances they say in effect, "Employees have no channels at the university for making their wishes or views known and we should like to use your office to do that." Where they have grievances including the grievance of dismissal they are referred to the Personnel Department's grievance procedure. The Ombudsman is concerned that this procedure shall be used and that the employee shall understand how it operates and what his rights are within it.

The Power and Powers of the Ombudsman

Some students coming to the office have been disappointed that the Ombudsman does not have the power to order change--to convert the bus system from one set up mainly to transport university employees who must park off-campus to one designed to transport students around the campus; to change grades; to reinstate dismissed employees; to lower prices in the student dining halls; or to countermand the decision of an academic records committee to drop a student. However, it is extremely doubtful that anyone seriously wants a single individual to assume and exercise such powers. The function of the Ombudsman is to make the University administration work and work fairly. Where procedures are faulty, the fault should be made evident and the persons responsible for correcting it reminded of their responsibilities. The Ombudsman rarely closes a case without notifying the administrators concerned of the shortcoming or injustice which the case exemplifies.

The Ombudsman has power to uncover the facts through interview and investigation. He has the responsibility to determine whether an injustice has been done and a remedy ought to be applied. He can do this by interviews and by search of the records. He does not have the power to hold adversary proceedings or to make judgments. If the parties wish him to, as they have in two or three cases, he can be a fact-finder making recommendations. Thus the job is mainly one of fact-finding, advocacy when the complainant needs an advocate, and negotiation with the authorities to work out an equitable adjustment of a complaint or dispute.

In addition the Ombudsman has the power to undertake investigations at his own initiative. The office has published a summary of university policy and practice on the confidentiality of student records (Chronicle, January 29, 1970) and is nearly ready to publish a report on Housing and Dining. Within the limits of staff time, the office will continue to initiate its own investigations where problems and questions indicate the need for information both on policy and practice.

In one case the two parties to a dispute asked the Ombudsman to act as fact-finder. Having received the report, the parties agreed that their interests would be served by publication of the report (Chronicle, November 20, 1969).

As in this case, the Ombudsman stands ready at the request of parties to a dispute to act as fact-finder, mediator or arbitrator, or to suggest a panel from which such a person might be selected to handle a dispute,

with the understanding that the parties would in advance agree as to the role the Ombudsman is to play and the powers he will exercise.

In cases where the dispute does not yield to negotiation or mediation, the Ombudsman is empowered "to press, through publicity to the extent that seems necessary" in formulating or bringing about change. The Ombudsman would see this as an extreme remedy and is happy to report that it has not yet been necessary to consider employing it.

Information Center

The Ombudsman was asked "to serve as a general information center about all situations and University procedures concerning which grievances may arise," and ". . . to direct during emergencies. . . 'rumor clinic' services." One member of the staff working half time, Steve Telsey, operates these services and is available to answer questions about on- and off-campus services for students and other members of the community. Many of the inquiries directed to the office have been referred to his service for answers. He is prepared in case of emergency to set up a staff of volunteers who will operate a rumor clinic.

Alice H. Cook

Alice H. Cook, Ombudsman

February 17, 1970

CORNELL UNIVERSITY

COLLEGE OF ARTS AND SCIENCES

GOLDWIN SMITH HALL

ITHACA, N.Y. 14850

Office of the Dean

26 August 1969

CORNELL UNIVERSITY

AUG 29 1969

Answered .....

MEMORANDUM

To: Provost Dale Corson

From: Alfred E. Kahn, Dean

Subject: A Proposal for Constituting an Office of University Ombudsman

1. There shall be established for the Cornell University community an Ombudsman, whose office shall be independent of all existing administrative structures of the University and have the following functions:

   a. To investigate, at the request of members of the community or upon his own motion, any grievances that may arise against the University or against anyone in the University exercising authority;

   b. To bring his findings and recommendations to the attention of those in authority by the most expeditious means possible, and to the community at large to the extent this seems to him appropriate;

   c. To serve as a general information center about all situations and University procedures concerning which grievances may arise -- specifically, to advise members of the community about where to turn and what procedures to follow in order to pursue whatever business or complaint they may have;

   d. To encourage, participate in and, if necessary, direct during emergencies such additional and special information and "rumor clinic" services as he believes appropriate and within the resources and competence of his office;

   e. To encourage and assist in the establishment of counterparts of his office within the major constituent elements of the University.

2. It shall be the special concern of the Ombudsman that:

   a. Decisions affecting members of the community are made with reasonable promptness;

b. That all members of the community receive "due process." It would be his responsibility to satisfy himself not only about the adequacy of the procedures adopted to reach decisions, but also about the appropriateness of the criteria and rules on the basis of which decisions of the type in question are reached;

c. Any gaps and inadequacies in existing University procedures be discovered and brought to the attention of those in authority and, if necessary, of the entire community. It would not be his function to devise the new rules and machineries, but to make recommendations and to press, through publicity to the extent that seemed necessary, for their formulation and improvement;

d. All reasonable requests for information pertinent to the functions and purposes of his office be honored. He would be expected actively to look for the answers to all such inquiries and provide them to the inquiring parties and, where it seemed desirable, to the community at large.

3. The Ombudsman shall have such access to such official files and information as he feels is required to fulfill his functions. Any requests for information from him must receive the highest priority from every member of the community. He should also have efficient means for communicating with the University community whenever he sees fit.

4. While the Ombudsman is authorized to function in the widest possible context and with a minimum of constraints,

a. he can, of course, exercise no powers that are beyond the legal authority of the University, although he may make recommendations concerning the authority of the University or of its constituent parts;

b. he does not himself make University policy or replace established legislative or judicial procedures, although he may investigate any and all of these, raise questions about them, and make such recommendations as he feels proper for their improvement and efficient functioning;

c. while he may have access to personal and personnel records, he must respect their confidentiality unless he has written permission from the affected parties for releasing the information;

d. while he has wide latitude in making public his findings and recommendations, he must respect the requests of complainants that their anonymity be preserved.

5. Operations of his office:

   a. He shall keep suitable records of complaints, findings and recommendations; and, subject to the limitations above, these shall be available for periodic inspection by members of the community and at all times by the appointing authority.

   b. While he may make exceptions at his discretion with respect to matters of major importance, he and his office will normally function in terms of first come, first served.

   c. He shall make an annual report to the University community and such special reports as may be requested by the appointing authority.

6. The first Ombudsman shall be appointed by the Executive Committee of the Board of Trustees, subject to such advisory procedures as it shall devise, for an initial trial period of one year. After that initial period, appointments to the position shall be for not less than three years and shall be made by whatever body most closely corresponds at that time to a University legislature. His only official accountability will be to that legislature, but his access to all University sources of authority will be unrestricted.

7. His office should consist, at a minimum, of the Ombudsman himself, a general office manager or executive assistant, and a student or panel of students, one of whom would always be available. His budget would be determined by the Executive Committee of the Board of Trustees and funds set aside in a special account which will be subject to the normal University financial and audit procedures.

8. The foregoing principles shall be subject to revision by whatever legislative body eventually emerges for the University.